

**MAINE EMS  
INVESTIGATIONS COMMITTEE MEETING  
WEDNESDAY JULY 18, 2007  
GAMBLING CONTROL BOARD ROOM, AUGUSTA  
RATIFIED BY THE MAINE EMS BOARD ON AUGUST 1, 2007**

**MEETING MINUTES**

Present: Rick Doughty, Paul Knowlton, Oden Cassidy, Carol Pillsbury

Staff: Dawn Kinney, Alan Leo

Maine EMS Investigator: Karen Packard

AAG: Laura Yustak Smith

**1. Call To Order:** The meeting was called to order at 9:35 a.m.

**A. Additions/Deletions to the Agenda – None**

**2. Complaint/Investigation Cases 07-08 and 07-31.**

The committee entered executive session for the purpose of reviewing investigation and discussing cases 07-08 and 07-31.

***Motion: To enter executive session pursuant to 32 M.R.S.A. §90(A), §92(3) and 1 M.R.S.A. §405(6)(E)(F) for receiving legal advice and the purpose of discussing cases 07-08 and 07-31. (Doughty; Knowlton - motion carries)***

The committee entered executive session at 9:35 a.m. and exited at 10:05 a.m.

During executive session, the committee discussed options for disposition of cases 07-08 and 07-31.

***Motion: In case 07-08, the Committee finds that Licensee violated Maine EMS Rules (dated September 1, 2006) Chapter 11§ (1)(34) Aiding the practice of emergency medical treatment by a person not duly licensed under 32 M.R.S.A., Chapter 2-B. The Committee moves that staff issue Licensee Service a Letter of Guidance for allowing an unlicensed provider to respond and provide patient care on its behalf; and that staff advise Licensee to verify the personnel license status by means other than through the Maine Emergency Medical Services staff (e.g., online) and that Licensee be requested to revise its Standard Operating Guidelines #014 to reflect this change. The Committee found aggravating circumstances in that the provider responded to eleven calls during the period without a license. The Committee found mitigating circumstances in that Licensee took full responsibility for what occurred; Licensee developed a policy and procedure for the service to prevent this from happening again; and there was no patient harm. In consideration of the mitigating factors the violation did not warrant disciplinary action. The Letter of Guidance will be kept on file for 5 years. The Committee considers this investigation 07-08 resolved and closed. (Doughty; Cassidy - motion carries).***

***Motion: In case 07-31, The Committee finds that Licensee violated Maine EMS Rule (dated September 1, 2006) Chapter 11§ (1)(30) [Providing treatment at a level for which a person is not licensed.] and 32 M.R.S.A. §82 (1) License required [emergency medical services person may not operate or practice unless duly licensed by the Emergency Medical Services Board]. This***

*violation is based on the Licensee providing patient care with an expired license on 2 ambulance calls in January 2007. The Committee found mitigating circumstances in that Licensee had received the required training and was eligible for licensure prior to providing patient care; Licensee was accustomed to the relicensure procedure in New York, where, according to Licensee, the instructors report all completed state courses to the state EMS system for purposes of relicensure, and was not aware that Licensee was required to independently complete an application in Maine; Licensee took responsibility; and there was no patient harm. In consideration of the mitigating factors the Committee will resolve this investigation with a Letter of Guidance to emphasize the importance of knowing the Maine EMS license renewal process. The Committee directed staff to contact New York EMS to confirm New York's license renewal process. If the process is not as Licensee stated, then to notice Licensee and to schedule an Informal Conference. (Doughty; Cassidy – motion carries).*

### **3. Informal Conference – Cases 06-16 and 07-19**

#### **A. Case # 06-16**

*Motion: To enter executive session pursuant to 32 M.R.S.A. §90(A)(3), §92(3) and 1 M.R.S.A. §405(6)(E),(F) to receive legal advice and for the purpose of conducting an informal conference concerning case 06-16. (Doughty; Cassidy – motion carries)*

The committee entered executive session at 10:45 a.m. and exited at 12:25 p.m.

During executive session, the committee met with Licensee and discussed options for disposition of case 06-16.

*Motion: In case 06-16, The Committee finds that Licensee violated Maine EMS Rules (dated September 1, 2006) Chapter 11§ (1)(5) Acting in ways that are dangerous or injurious to the licensee or other person; Chapter 11§ (1)(21) Acting negligently or neglectfully when caring for or treating a patient and Chapter 11§(22)(B) Incompetent practice. A licensee or applicant shall be deemed incompetent in the practice if the licensee or applicant has: Engaged in conduct that evidences a lack of knowledge or inability to apply principles or skills to carry out the practice for which he is licensed. This violation is based on Licensee's failure to follow EMS protocols (dated July 2006) for the administration of midazolam and contacting medical control. The Committee found aggravating circumstances in that the protocol violation was a medication error, and the nature of the medication is such that improper administration or dosage has the potential to seriously harm a patient. The Committee found mitigating circumstances in that Licensee has over 30 years as a licensed provider without any prior disciplinary action; Licensee took responsibility for his action; Licensee recognized the error and has participated in supplemental education with Maine EMS staff and the State Medical Director; Licensee's training included an error in the training documents with respect to the IM administration of Midazolam (Versed;) and Licensee was terminated from a per diem position with his service resulting in loss of income. In consideration of the mitigating factors the Committee recommends resolving this investigation by offering Licensee a Consent Agreement to include a 45-day suspension that will be suspended if Licensee revises his current outline on the treatment of seizures, submits it to the Regional office for approval, and instructs five programs on the treatment of seizures to the following ambulance services: two at United Ambulance Service, two at MedCare Ambulance*

*Service and one and NorthStar Ambulance Service within 6 months of the execution of this Consent Agreement, unless an extension is granted by the MEMS Board or MEMS staff on behalf of the Board for good cause. The first program will be taught at United Ambulance Service and will be monitored by Karen Packard, MEMS Investigator. The Consent Agreement will terminate upon completion of the terms of the agreement (outline and teaching). Investigation 06-16 will be resolved and closed with the execution of the Consent Agreement by all parties. (Doughty; Knowlton – Pillsbury opposed - motion carries).*

B. Case # 07-19

*Motion: To enter executive session pursuant to 32 M.R.S.A. §90(A)(3), §92(3) and 1 M.R.S.A. §405(6)(F),(E) for receiving legal advice and for the purpose of conducting an informal conference concerning case 07-19. (Doughty; Cassidy - motion carries).*

The committee entered executive session at 12:30 p.m. and exited at 1:50 p.m.

During executive session, the committee met with Licensee and discussed options for disposition of case 07-19.

*Motion: In case 07-19, The Committee finds that Licensee violated Maine EMS Rules (dated September 1, 2006) Chapter 11§ (1)(13) engaging in conduct prohibited by law, other than conduct that falls within the following categories and is not related to the practice; minor traffic violations; minor civil violations; and conduct that could be charged as Class E crimes under Maine law; and Chapter 11§(1)(14) Violation of any standard established in the profession; and 32 M.R.S.A. §90(A)(5)(F)(H). The Committee finds that the violations are based on the conduct underlying Licensee's 2005 convictions for Criminal Mischief (Class D) in violation of 17-A M.R.S.A. § 806(1)(A) and Disorderly Conduct in violation of 17-A M.R.S.A. § 501 (2). The Committee finds that the conduct underlying physical restraint and smashing of telephones violates standards established in the profession. The Committee found aggravating circumstances in that there was more than one occasion of violence over a period of several years. The Committee found mitigating circumstances in that the Licensee took responsibility and voluntarily attended counseling. In consideration of the mitigating factors the Committee proposes to resolve this investigation with a Consent Agreement to include the following conditions: Licensee will get an evaluation from a counselor to determine if any additional counseling or a Batters Intervention Program is needed; Licensee will comply with the recommendations of the evaluator and will sign any necessary release or waiver to allow MEMS Board, staff, counsel or investigator to obtain a report from the evaluator and/or /counselor and to review records to determine if Licensee has complied with the recommendations; Licensee will report any criminal charges filed against Licensee in any state or Federal Court within 10 days of charges being docketed; that if charges are filed against Licensee in any State or Federal court, Licensee will immediately surrender any license issued by Maine EMS pending resolution of any EMS investigation into the conduct. This Consent Agreement will be for seven years. Investigation 07-19 will be resolved and closed with the execution of the Consent Agreement by all parties. (Doughty; Knowlton – motion carries).*

#### **4. Applications**

##### **A. Chad Tracy**

The Committee reviewed the Applicant's license application and documents. ***Motion: The Committee directed staff to schedule an Informal Review for August. (Pillsbury; Doughty – motion carries).***

#### **5. Next Meeting**

The next meeting is scheduled for Thursday, July 19<sup>th</sup>, 2007 at 09:30 a.m.

#### **6. Adjourn**

Adjourn – The meeting was adjourned at 3:05 p.m.

Respectfully submitted,

Dawn Kinney, EMT-P  
Licensing Agent